

[amending sections 1304 and 1307 of this title and section 3005 of Title 39, Postal Service, and enacting provisions set out as notes under sections 1301 and 1304 of this title], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 3005.

CHAPTER 63—MAIL FRAUD

Sec.

- 1341. Frauds and swindles.
- 1342. Fictitious name or address.
- 1343. Fraud by wire, radio, or television.
- 1344. Bank fraud.
- 1345. Injunctions against fraud.
- 1346. Definition of “scheme or artifice to defraud”.
- 1347. Health care fraud.

AMENDMENTS

1996—Pub. L. 104-191, title II, §242(a)(2), Aug. 21, 1996, 110 Stat. 2016, added item 1347.

1990—Pub. L. 101-647, title XXXV, §3541, Nov. 29, 1990, 104 Stat. 4925, substituted “or” for “and” in item 1342.

1988—Pub. L. 100-690, title VII, §7603(b), Nov. 18, 1988, 102 Stat. 4508, added item 1346.

1984—Pub. L. 98-473, title II, §§1108(b), 1205(b), Oct. 12, 1984, 98 Stat. 2147, 2153, added items 1344 and 1345.

1952—Act July 16, 1952, ch. 879, §18(b), 66 Stat. 722, added item 1343.

CROSS REFERENCES

Offenses affecting Postal Service, see section 1691 et seq. of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 29 section 1111.

§ 1341. Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than five years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 763; May 24, 1949, ch. 139, §34, 63 Stat. 94; Pub. L. 91-375, §(6)(j)(11),

Aug. 12, 1970, 84 Stat. 778; Pub. L. 101-73, title IX, §961(i), Aug. 9, 1989, 103 Stat. 500; Pub. L. 101-647, title XXV, §2504(h), Nov. 29, 1990, 104 Stat. 4861; Pub. L. 103-322, title XXV, §250006, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2087, 2147.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §338 (Mar. 4, 1909, ch. 321, §215, 35 Stat. 1130).

The obsolete argot of the underworld was deleted as suggested by Hon. Emerich B. Freed, United States district judge, in a paper read before the 1944 Judicial Conference for the sixth circuit in which he said:

A brief reference to §1341, which proposes to reenact the present section covering the use of the mails to defraud. This section is almost a page in length, is involved, and contains a great deal of superfluous language, including such terms as “sawdust swindle, green articles, green coin, green goods and green cigars.” This section could be greatly simplified, and now-meaningless language eliminated.

The other surplusage was likewise eliminated and the section simplified without change of meaning.

A reference to causing to be placed any letter, etc. in any post office, or station thereof, etc. was omitted as unnecessary because of definition of “principal” in section 2 of this title.

1949 ACT

This section [section 34] corrects a typographical error in section 1341 of title 18, U.S.C.

AMENDMENTS

1994—Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” after “thing, shall be”.

Pub. L. 103-322, §250006, inserted “or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier,” after “Postal Service,” and “or such carrier” after “causes to be delivered by mail”.

1990—Pub. L. 101-647 substituted “30” for “20” before “years”.

1989—Pub. L. 101-73 inserted at end “If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 20 years, or both.”

1970—Pub. L. 91-375 substituted “Postal Service” for “Post Office Department”.

1949—Act May 24, 1949, substituted “of” for “or” after “dispose”.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

CROSS REFERENCES

Fictitious name or address used in frauds and swindles, see section 1342 of this title.

Postal Service, offenses against, see section 1691 et seq. of this title.

Seizure and disposition of nonmailable matter, see section 3001 of Title 39, Postal Service.

Use of fictitious, false or assumed name on mail to conduct, or assist in, activity in violation of this section, see section 3003 of Title 39.

Use of mails for purchase or sale of securities before a registration statement under “Securities Act, 1933” is in effect made unlawful, see section 77e of Title 15, Commerce and Trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 225, 981, 982, 1342, 1510, 1961, 2326, 2516, 3059A, 3293, 3322 of this title;

title 7 section 12a; title 12 sections 1785, 1786, 1787, 1821, 1828, 1829, 1831k, 1833a, 2277a-10b; title 15 sections 780, 80b-3; title 39 sections 3001, 3003.

§ 1342. Fictitious name or address

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 763; Pub. L. 91-375, § 6(j)(12), Aug. 12, 1970, 84 Stat. 778; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 339 (Mar. 4, 1909, ch. 321, § 216, 35 Stat. 1131).

The punishment language used in section 1341 of this title was substituted in lieu of the reference to it in this section.

Minor changes in phraseology were made.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

1970—Pub. L. 91-375 substituted “Postal Service” for “Post Office Department of the United States”.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

CROSS REFERENCES

Seizure and disposition of nonmailable matter, see section 3001 of Title 39, Postal Service.

Use of fictitious, false or assumed name on mail to conduct, or assist in, activity in violation of this section, see section 3003 of Title 39.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 982, 2326 of this title; title 7 section 12a; title 15 sections 780, 80b-3; title 39 sections 3001, 3003.

§ 1343. Fraud by wire, radio, or television

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than five years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

(Added July 16, 1952, ch. 879, § 18(a), 66 Stat. 722; amended July 11, 1956, ch. 561, 70 Stat. 523; Pub. L. 101-73, title IX, § 961(j), Aug. 9, 1989, 103 Stat. 500; Pub. L. 101-647, title XXV, § 2504(i), Nov. 29, 1990, 104 Stat. 4861; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

1990—Pub. L. 101-647 substituted “30” for “20” before “years”.

1989—Pub. L. 101-73 inserted at end “If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 20 years, or both.”

1956—Act July 11, 1956, substituted “transmitted by means of wire, radio, or television communication in interstate or foreign commerce” for “transmitted by means of interstate wire, radio, or television communication”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 225, 981, 982, 1510, 1961, 2326, 2516, 3059A, 3293, 3322 of this title; title 7 section 12a; title 12 sections 1785, 1786, 1787, 1821, 1828, 1829, 1831k, 1833a, 2277a-10b; title 15 sections 780, 80b-3; title 47 sections 312, 503.

§ 1344. Bank fraud

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;

shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

(Added Pub. L. 98-473, title II, § 1108(a), Oct. 12, 1984, 98 Stat. 2147; amended Pub. L. 101-73, title IX, § 961(k), Aug. 9, 1989, 103 Stat. 500; Pub. L. 101-647, title XXV, § 2504(j), Nov. 29, 1990, 104 Stat. 4861.)

AMENDMENTS

1990—Pub. L. 101-647 substituted “30” for “20” before “years”.

1989—Pub. L. 101-73 amended section generally, restating former subsec. (a) and striking out former subsec. (b) which defined “federally chartered or insured financial institution”. Prior to amendment, subsec. (a) read as follows: “Whoever knowingly executes, or attempts to execute, a scheme or artifice—

“(1) to defraud a federally chartered or insured financial institution; or

“(2) to obtain any of the moneys, funds, credits, assets, securities or other property owned by or under the custody or control of a federally chartered or insured financial institution by means of false or fraudulent pretenses, representations, or promises, shall be fined not more than \$10,000, or imprisoned not more than five years, or both.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 225, 981, 982, 1510, 1961, 2326, 3059A, 3293, 3322 of this title; title 12 sections 1785, 1786, 1787, 1821, 1828, 1829, 1831k, 1833a, 2277a-10b.

§ 1345. Injunctions against fraud

(a)(1) If a person is—

(A) violating or about to violate this chapter or section 287, 371 (insofar as such violation in-

volves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title;

(B) committing or about to commit a banking law violation (as defined in section 3322(d) of this title), or

(C) committing or about to commit a Federal health care offense.¹

the Attorney General may commence a civil action in any Federal court to enjoin such violation.

(2) If a person is alienating or disposing of property, or intends to alienate or dispose of property, obtained as a result of a banking law violation (as defined in section 3322(d) of this title) or a Federal health care offense or property which is traceable to such violation, the Attorney General may commence a civil action in any Federal court—

(A) to enjoin such alienation or disposition of property; or

(B) for a restraining order to—

(i) prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any such property or property of equivalent value; and

(ii) appoint a temporary receiver to administer such restraining order.

(3) A permanent or temporary injunction or restraining order shall be granted without bond.

(b) The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.

(Added Pub. L. 98-473, title II, §1205(a), Oct. 12, 1984, 98 Stat. 2152; amended Pub. L. 100-690, title VII, §7077, Nov. 18, 1988, 102 Stat. 4406; Pub. L. 101-647, title XXV, §2521(b)(2), title XXXV, §3542, Nov. 29, 1990, 104 Stat. 4865, 4925; Pub. L. 103-322, title XXXIII, §330011(k), Sept. 13, 1994, 108 Stat. 2145; Pub. L. 104-191, title II, §247, Aug. 21, 1996, 110 Stat. 2018.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (b), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to this title.

AMENDMENTS

1996—Subsec. (a)(1)(C). Pub. L. 104-191, §247(a), added subpar. (C).

Subsec. (a)(2). Pub. L. 104-191, §247(b), inserted “or a Federal health care offense” after “title”.

1994—Pub. L. 103-322, §330011(k), repealed Pub. L. 101-647, §3542. See 1990 Amendment note below.

1990—Pub. L. 101-647, §2521(b)(2), added subsec. (a), inserted subsec. (b) designation, and struck out former

first sentence which read as follows: “Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a violation of this chapter, or of section 287, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such violation.”

Pub. L. 101-647, §3542, which directed insertion of a comma after “of this title”, was repealed by Pub. L. 103-322, §330011(k).

1988—Pub. L. 100-690 inserted “or of section 287, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title” after “violation of this chapter,”.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(k) of Pub. L. 103-322 provided that the amendment made by that section is effective Nov. 29, 1990.

§ 1346. Definition of “scheme or artifice to defraud”

For the purposes of this chapter, the term “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services.

(Added Pub. L. 100-690, title VII, §7603(a), Nov. 18, 1988, 102 Stat. 4508.)

§ 1347. Health care fraud

Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—

(1) to defraud any health care benefit program; or

(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program,

in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365 of this title), such person shall be fined under this title or imprisoned not more than 20 years, or both; and if the violation results in death, such person shall be fined under this title, or imprisoned for any term of years or for life, or both.

(Added Pub. L. 104-191, title II, §242(a)(1), Aug. 21, 1996, 110 Stat. 2016.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 24 of this title.

CHAPTER 65—MALICIOUS MISCHIEF

Sec.	
1361.	Government property or contracts.
1362.	Communication lines, stations or systems.
1363.	Buildings or property within special maritime and territorial jurisdiction.
1364.	Interference with foreign commerce by violence.
1365.	Tampering with consumer products.
1366.	Destruction of an energy facility.
1367.	Interference with the operation of a satellite.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3543, Nov. 29, 1990, 104 Stat. 4926, inserted a period after “1366”.

¹ So in original. The period probably should be a comma.